

REMARKS

Claims 1-10 are pending. Claims 1-10 stand rejected; Claims 1-10 have been amended; and Claim 11 has been added. No new matter has been added.

The examiner has objected to the drawings as failing to comply with 37 CRF 1.849(p)(5) because they do not include the following reference sign(s) mentioned in the description: “page 6, line 5, ‘broadcasts S are not shown’... Figure 1 is objected to because it fails to show labels ... in particular, items 4, 9, 16, 19, 21, 24, 26 and 28-33 ... the designation SKI indicated two distinct and separate signal paths ... the specification refers to SKI as being broadcasting station identifier information, which is inconsistent with the signal flow diagram ... Figure 2 is objected to because it fails to show important features ... In particular, the drawing features are shown in a language other than English... The ‘starting time information (BZI) in a sub-code in accordance to the DVHS standard on a magnetic tape’ of claim 5 must be shown.”

With regard to Figures 1 and 2, applicant herein submits amended Figure 1 including labels representative of the numbered items. With regard to the signal designated SKI, applicant notes that the diagram is not inconsistent with the specification but rather illustrates different paths where the signal SKI may be found, as is disclosed in the specification (see page 7, line 16 – “broadcasting station identifier information SKI determined from an input signal ES”, page 8, lines 4-7 – The control unit 21 is designed to supply the data it receives to a display 24. The display 24 is capable of showing a time information, a date information, a starting time information, a recording date information and a broadcasting station identifier information SKI). Hence, Figure 1 is not inconsistent with the specification. With regard to the signal “S” applicant submits that one skilled in the art would understand how this signal is construed based on the written description and the information provided in Figure 2. Hence, it is not essential to the understanding of the invention to include this label within Figure 1.

With regard to Figure 2, application herein submits amended Figure 2, which includes English translations of the non-English terms. No new material has been added. With regard to the “starting time information (BZI) in a sub-code in accordance

to the DVHS standard on a magnetic tape' of claim 5", applicant submits that as the examiner notes with regard to the rejection of claim 5, DVHS is well-known and accordingly such information need not be disclosed in the drawings for one skilled in the art to practice the invention.

For the amendment made to the Figures 1 and 2, applicant submits that the reasons for the examiner's objection have been overcome and can no longer be sustained. Applicant respectfully requests entry of the amended figures and withdrawal of the rejection.

It is the examiner's position that "35 USC §112, first paragraph, requires the specification to be written in 'full, clear, concise and exact terms.' The specification is replete with terms which are not clear, concise and exact. ... Examples of some unclear, inexact or verbose terms used in the specification are: the specification makes several references to the act of 'positioning of the magnetic heads.' On careful study of the specification, the examiner has come to the conclusion that the invention involves positioning of the tape rather than the heads that read the signal on the tape, as noted on page 8, lines 27-31, which describe a means and method of moving tape, not heads."

Applicant, through his attorney, wishes to thank the examiner for his observation and has reviewed the specification and made appropriate amendment to the specification. No new matter has been added. However, applicant disagrees with the examiner that the invention is limited to a tape reader. Rather, as previously stated, applicant has considered and made reference to the use of the invention with regard to DVD recorder/players and thus such devices are considered within the scope of the invention.

Having amended the specification to more clearly describe the invention, applicant submits that the examiner's objection to the specification has been overcome and can no longer be sustained. Applicant respectfully requests reconsideration and withdrawal of the objection.

Claims 1-10 stand rejected pursuant to 35 USC §112, first paragraph as failing to comply with the enablement requirement. It is the examiner's position that "[c]laim 1 reads as though the invention were positioning the heads of the video cassette player at a particular location on the tape, when in fact the heads are conventional. The examiner believes the invention relates to a tape player that is capable of causing the tape to be fast wound to a desired location and will be analyzed and discussed under that interpretation.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claim. However, in the interest of advancing the prosecution of this matter, Applicant has amended independent claim 1 to more clearly state the invention claimed regarding positioning the heads and the recording medium. Claim 1, as amended, now recites, in part, "positioning said at least one playback head with regard to a desired recording medium position." Claim 1, as amended, more clearly states that the either the heads or the recording medium may be positioned for playback. Although, the examiner believes that the invention relates to a tape player, applicant would point out that the invention is not so limited. Rather, as stated in the specification beginning on page 14, line 11, "It is to be noted that the playback device may also be formed by a DVD player in which an optical playback head is positioned into a desired recording medium position of an optical data carrier." Hence, positioning of the heads with respect to the medium or the medium with respect to the heads has been contemplated and is considered within the scope of the invention.

For the amendment made to claim 1, applicant submits that the reason for the examiner's rejection have been overcome and can no longer be sustained. Applicant respectfully requests entry of the amendment, withdrawal of the rejection, and allowance of the claim.

With regard to claims 2-10, these claims ultimately depend from independent claim 1, which has been amended to more clearly state the invention. Accordingly, claims 2-10 are also believed to be allowable by virtue of their dependence from an allowable base claim.

Claims 1-3, 8 and 9 stand rejected pursuant to 35 USC §102 as being anticipated by USP No. 4,224,644 to Lewis. Claims 6, 7 and 10 stand rejected pursuant to 35 USC §103 as being unpatentable over Lewis in view of NAVCO (1750 System Controller Product Sheet).

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims as the present invention includes subject matter that Lewis fails disclose.

Lewis, as read by applicant, discloses a method and apparatus for controlling a tape player for retrieving and playing prerecorded information. Lewis records start and stop indicators (i.e., 100 and 40 Hz tones, respectively) on a track. The indicators are used by the tone detector to mark the start of each recorded program. The start and stop indicators are then used as a count, from the beginning of the tape, of the location of a recorded program. The user inputs a numeric value associated with a desired program to obtain the start of a desired program. The playback thus occurs from the beginning of the prerecorded program.

Lewis does not include the elements of "time information (WZI) which characterizes a desired playback moment corresponding to the sum of a starting time information (BZI) characterizing said recording start moment (T1) and a recording time duration" as is recited in amended claim 1. Accordingly, Lewis does not disclose each and every element of the invention and cannot be said to anticipate the present invention.

It is well recognized that to constitute a rejection pursuant to 35 USC §102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art. For reasons shown above, Lewis does not anticipate the present invention because Lewis does not include each and every element recited in the claims.

Accordingly, applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the independent claim 1. The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.



In view of foregoing comments, Applicant respectfully requests reconsideration and withdrawal of the rejections and that a Notice of Allowance be issued.

Should any unresolved issues remain that the examiner believes may be resolved via a telephone call, the examiner is invited to call Applicant's attorney at the telephone number below. No fees are believed necessary for the filing of this Amendment and Response.

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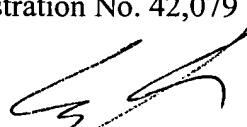
APR 29 2004

Respectfully submitted, Technology Center 2600

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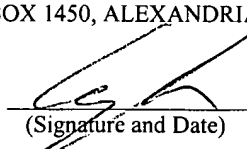
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